

RESULTS OF INVESTIGATION: The device consisted of a cabinet housing various switches, transformers, condensers, vacuum tubes, and other electrical parts. When connected to the ordinary household electric supply, the device provided various types of electrical current output capable of causing stimulation of human muscles.

LIBELED: 11-10-55, S. Dist. Tex.; libel amended 3-2-56.

CHARGE: 502 (a)—the labeling accompanying the article, when shipped, contained false and misleading representations that the article provided an adequate and effective treatment for abdominal adhesions, acroparesthesia, amenorrhea, partially ankylosed joints, arthritis, and partial ankylosis, asthma, atrophy (muscular), backache, bronchitis, contusions, subdeltoid bursitis (chronic), cerebral palsy, chilblains, constipation, deafness (chronic), depression, involutional depression, Dupuytren's contraction, dysmenorrhea, endocrine stimulation, epilepsy, eye conditions, headache, head colds, hemorrhoids, lumbago, menopause (hot flushes), medullar subshock, muscle spasm, menstrual pains, multiple sclerosis, muscle training, neuralgia, neurotic tension, paralysis, peripheral facial palsy (Bell's palsy), paralysis agitans, postero-lateral sclerosis, prostatic hypertrophy, ptosis of the abdomen, Raynaud's disease, relaxed vaginal walls, rheumatism (chronic), sciatica, sinus conditions, hay fever, stomach conditions, Buerger's disease, trigeminal neuralgia, prolapse of uterus, visceroptosis, and wry neck; and 502 (f) (1)—the labeling of the article failed to bear adequate directions for use by laymen, and the device was not entitled to any exemption from the requirement of adequate directions for use since it was a prescription device and was not in the possession of a person legally entitled to employ it for medical purposes.

DISPOSITION: 7-24-56. Consent—claimed by Mr. E. B. Dodd, Dickinson, Tex.; relabeled and delivered to a licensed practitioner.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

5167. Pan-Vita syrup. (F. D. C. No. 38617. S. No. 9-596 M.)

INFORMATION FILED: 7-31-56, N. Dist. Calif., against Barnes-Hind Laboratories, Inc., San Francisco and Sunnyvale, Calif.

ALLEGED VIOLATION: On 11-11-49, the defendant gave to a firm engaged in the business of shipping drugs in interstate commerce a guaranty to the effect that all drug products shipped by the defendant to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On 10-13-55, the defendant shipped a number of bottles of adulterated and misbranded *Pan-Vita syrup* to the holder of the guaranty at Los Angeles, California.

CHARGE: 501 (c)—the strength of the article differed from, and the quality of the article fell below, that which it purported and was represented to possess; and 502 (a)—the label statement "Each two teaspoonfuls (10 cc) contain: Vitamin A Palmitate . . . 5000 USP. Units Vitamin D (irradiated ergosterol). . . 500 USP. Units" was false and misleading since the article contained less vitamin A and vitamin D than declared.

PLEA: Nolo contendere.

DISPOSITION: 8-10-56. Fine, \$500.